



STATE OF NEW YORK  
OFFICE OF THE STATE INSPECTOR GENERAL  
**Final Report**  
**December 1, 2009**

**DMV Clerk Penned Poetry at Work; Used DMV Mail to Pitch Publishers**

**SUMMARY OF FINDINGS/RECOMMENDATIONS**

The New York State Inspector General determined that for at least one year, Gina Pearl, an employee of the Department of Motor Vehicles (DMV), used DMV envelopes, postage and other resources to financially advance and market her personal writings to book publishers and literary agents. Pearl also transcribed her prose and poetry onto her DMV issued computer during her designated working hours.

**ALLEGATION**

A literary agent advised DMV that it had received a private book offering from Pearl in a DMV envelope with affixed DMV postage. On August 11, 2009, DMV referred this allegation to the Inspector General.

**SUMMARY OF INVESTIGATION**

Gina Pearl is employed by DMV as an Agency Services Representative assigned to the main DMV office in Albany. In essence, Pearl functions as a calculations clerk in the cashier unit at DMV processing payments from drivers.

A forensic review of Pearl's assigned state computer identified at least 35 versions of a cover letter to different literary agents and publishers. In addition to the cover letters, the Inspector General uncovered over 30 poems and multiple examples of prose on the computer unrelated to Pearl's official duties. Certain cover letters and prose obtained from Pearl's state computer matched materials Pearl had sent to publishers which the Inspector General obtained from DMV when the envelopes, denoting DMV as the return addressee, were returned to DMV's mailroom.

These mailings containing Pearl's submissions to publishers were contained in large preprinted DMV manila envelopes. Postage was printed on the parcels by a postage meter with a return zip code indicating that the mailing was from Empire State Plaza in Albany, the location of the main DMV office. Inside the packages were cover letters and

return business envelopes hand-addressed to “Gina Pearl” at DMV’s Swan Street office. A postage stamp was affixed to the enclosed return envelopes.

Pearl admitted in an interview with the Inspector General to utilizing her DMV assigned computer to write poetry, prose and personal correspondence. Pearl stated that she drafted her writings in notebooks and transcribed them onto her state computer in order to be able to print them. Pearl claimed that she typed her personal documents while answering telephones during downtime at DMV. According to Pearl, she completed her DMV cashiering duties and accepted work from outside departments, yet was often unable to fill her time with official work. Pearl maintained that this lack of work, coupled with the lack of supervision by her current supervisor, allowed her to engage in personal pursuits during working hours. Pearl estimates that during this time period, she drafted her own compositions or read non-DMV related background material for her books for 5 to 10 hours per week.

Pearl also admitted to using DMV envelopes and postage meters to market her writings; however, she claimed that she had purchased the stamps affixed to the enclosed return envelopes. The mailings took place over approximately one year. Postage on the three returned manila envelopes varied from \$1.39 to \$1.68 with an average price of \$1.52. Pearl admitted to sending materials to two publishers and 20 literary agents.

DMV’s Employee’s Handbook provides that use of DMV computers and mail systems are limited to “official business only” and expressly states that the computer and mail systems “are not available for personal use.” DMV policy further prohibits the personal use of DMV envelopes, postage or the use of DMV’s mailroom for delivery of personal correspondence or packages. Additionally, DMV policy forbids the use the DMV’s business address to receive personal mail.

In addition to unambiguous DMV Policy, Executive Order No. 7 (“Prohibition Against the Personal Use of State Property”), issued by Governor David A. Paterson on June 18, 2008 provides, in relevant part:

1. State supplies, equipment, computers, personnel and other resources may not be utilized for non-governmental purposes, including for personal purposes or for outside activities of any kind. This prohibition includes but is not limited to the following:
  - a. Official stationery may not be used for non-governmental purposes, nor may State government resources be used to mail personal correspondence  
...
  - b. Under no circumstances may State mail, postage, internal office mail, or inter-city couriers be used for non-governmental purposes.  
...
  - d. State computers shall be used only for official business, except that state computers may be used for incidental and necessary personal purposes, such as sending personal electronic mail messages, provided that such use

is in a limited amount and duration and does not conflict with the proper exercise of the duties of the State employee.

Pursuant to Executive Order # 7, “[a]ny violation of this order may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.”

## FINDINGS AND RECOMMENDATIONS

The Inspector General determined that DMV employee Gina Pearl used her state-issued computer to transcribe and draft poetry, prose and correspondence for her personal benefit. Pearl also used DMV work time, equipment, paper, envelopes and postage to prepare and send packages of her writing to publishers and literary agents. Pearl violated the clear rules outlined in DMV policy and Executive Order No. 7 prohibiting the use of state resources for personal business. The Inspector General recommended that DMV seek appropriate disciplinary action against Pearl.

DMV advised the Inspector General that it is reviewing the findings of this investigation for appropriate disciplinary action.